Filed 6/19/09 In re F.P. CA2/1

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re F.P., a Person Coming Under the Juvenile Court Law.	B209126 (Los Angeles County Super. Ct. No. JJ16123)
THE PEOPLE, Plaintiff and Respondent, v. F.P., Defendant and Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County, Donna Groman, Judge, and Carol Richardson, Juvenile Court Referee. Affirmed.

Holly Jackson, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General, Scott A. Taryle, Supervising Deputy Attorney General, and Peggy Z. Huang, Deputy Attorney General, for Plaintiff and Respondent.

F.P. appeals from the order of wardship entered following a finding that he unlawfully took or drove a vehicle in violation of Vehicle Code section 10851, subdivision (a). The minor contends that the evidence was insufficient to support the finding. We affirm.

BACKGROUND

Around 11:30 a.m. on April 30, 2008, Ronald Jvautour's rented Pontiac G5, license number 6CLW059, was stolen in Compton. Jvautour reported the theft to the police.

Around 6:00 p.m. that day, Los Angeles County deputy sheriffs stopped the Pontiac, which was being driven by the minor and had no license plates. Another male was in the car. The car had not been damaged and there were keys in the ignition. Deputies checked the vehicle identification number and determined that the car had been reported stolen.

The minor waived his *Miranda* rights.[1] He initially said he had borrowed the car from a friend whose name the minor did not know. The friend was a fellow gang member who lived in Compton. The minor later added that the friend from whom he had borrowed the car was "incarcerated." The minor again did not give the friend's name and further stated that he did not know the name of the registered owner of the car. Nor did the minor tell the deputies at what time the car had been borrowed or make clear whether the friend from whom he had borrowed the car was the same person as the friend who had been "arrested."

Testifying in his own behalf, the minor asserted that he borrowed the car around 4:30 p.m. because his friend asked the minor to pick up another friend, named Morales. "[Morales] was at my other friend's house. He was right there at his house. Then we went to his friend's house right there. Then I called the guy to tell him where I was going

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[1] *Miranda v. Arizona* (1966) 384 U.S. 436 [86 S.Ct. 1602].

to meet him to give him the car because I already picked up Morales. His brother let me borrow the car, that he went to jail, that they raided his house." The minor conceded that he did not tell this to the police. On cross-examination, the minor testified that the nickname of the friend from whom he borrowed the car was "Dopey." After borrowing the car from Dopey and picking up Morales, the minor called Dopey. Dopey's brother, whose moniker is "Poncho," answered the phone and said the house had been raided. The minor did not tell the deputies about Dopey and Poncho because "[t]hey didn't ask me."

In finding that the minor had violated Vehicle Code section 10851, subdivision (a), the court stated: "The court has listened carefully to the testimony. There was a report of a stolen red Pontiac approximately 11:30 a.m. Detective Jiminez testified carefully and clearly regarding the stop of [the minor] and his companion. He identified the stolen car. He was read his Miranda rights. [The minor] gave two scenarios how he became in possession of the car.

"One was that he borrowed it from a friend of his, who was a gang member. A few minutes later he says that the gang member — that the person he borrowed the car from was incarcerated. It's not credible that [the minor] would not give the police the names of his friends who he borrowed the car. That could have cleared up the situation.

"If he clearly borrowed the car from someone who he thought had authority to give him the car, he did not bring any witness on his behalf to testify that they had loaned him the car. There were no plates on the car. It did look like [the minor] was thinking while he was testifying. I did not find his demeanor credible. It was to his advantage to present testimony about some friends that he never produced in court or named to the police. He indicated first that the brother loaned him the car. And he indicated also that Dopey loaned him the car.

"Notice given required by law. Birthday, county of residence of the minor are stated on the petition. The allegations of count 1 of the petition are true beyond a reasonable doubt. The petition is sustained. The minor is a person described by Welfare and Institutions Code section 602."

DISCUSSION

The minor contends that the evidence was insufficient to support the juvenile court's finding, asserting that its "reasoning is flawed in two respects. First, it appears the court believed [the minor's] friend was incarcerated at the time he lent [the minor] the car, which is not the evidence. Second, [the minor] testified he knew his friends as 'Dopey' and 'Poncho,' so even if [the minor] had provided these names to the police officer, it would not have helped the situation." The contention is without merit.

In reviewing a challenge of the sufficiency of evidence, we "consider the evidence in a light most favorable to the judgment and presume the existence of every fact the trier could reasonably deduce from the evidence in support of the judgment. The test is whether substantial evidence supports the decision, not whether the evidence proves guilt beyond a reasonable doubt." (*People v. Mincey* (1992) 2 Cal.4th 408, 432; *People v. Hayes* (1990) 52 Cal.3d 577, 631.) Our sole function is to determine if "*any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (*Jackson v. Virginia* (1979) 443 U.S. 307, 319 [99 S.Ct. 2781]; *People v. Bolin* (1998) 18 Cal.4th 297, 331; *People v. Marshall* (1997) 15 Cal.4th 1, 34.) The standard of review is the same in cases where the prosecution relies primarily on circumstantial evidence. (*People v. Rodriguez* (1999) 20 Cal.4th 1, 11; *People v. Stanley* (1995) 10 Cal.4th 764, 792; *People v. Bloom* (1989) 48 Cal.3d 1194, 1208.) The California Supreme Court has held, "Reversal on this ground is unwarranted unless it appears 'that upon no hypothesis whatever is there sufficient substantial evidence to support [the conviction].'" (*People v. Bolin*, *supra*, 18 Cal.4th at p. 331, quoting *People v. Redmond* (1969) 71 Cal.2d 745, 755.)

We perceive of no basis to support the minor's assertion that, in making its finding, the juvenile court's reasoning was flawed. To the contrary, the evidence in the record to which the trial court referred in making its finding regarding the absence of a license plate on the Pontiac, the lack of information given by the minor about his friend, and the minor's inconsistent testimony as to whether his friend or his friend's brother had

loaned the car amply supports that finding and requires that the minor's contention of insufficient evidence be rejected.

DISPOSITION

The order under review is affirmed.

NOT TO BE PUBLISHED.

MALLANO, P. J.

We concur:

ROTHSCHILD, J.

FERNS, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.